

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SAMUEL L. DEXTER,

Petitioner,

V.

## **WARDEN/CUSTODIAN – SVSP,**

## Respondent.

Case No. 1:18-cv-01382-EPG-HC

**ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA**

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus

pursuant to 28 U.S.C. § 2254.

When a prisoner files a state habeas petition in a state that contains two or more federal

judicial districts, the petition may be filed in either the judicial district in which the petitioner is

presently confined or the judicial district in which he was convicted and sentenced. See 28

<sup>10</sup> U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004) (quoting *Carbo v. United*

States, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961)). Petitions challenging the

execution of a sentence are preferably heard in the district where the inmate is confined. See

**Dunne v. Henman**, 875 F.2d 244, 249 (9th Cir. 1989). Petitions challenging convictions or

sentences are preferably heard in the district of conviction. See *Laue v. Nelson*, 279 F. Supp.

265, 266 (N.D. Cal. 1968). Section 2241 further states that, rather than dismissing an improperly

filed action, a district court, "in the exercise of its discretion and in furtherance of justice[,] may

1 transfer” the habeas petition to another federal district for hearing and determination. *Id.*; see also  
2 28 U.S.C. § 1404(a) (court may transfer any civil action “to any other district or division where it  
3 might have been brought” for convenience of parties or “in the interest of justice”).

4 Here, Petitioner’s claims relate to his conviction and sentence that occurred in the  
5 Riverside County Superior Court, and thus, the petition is preferably heard in the district of  
6 conviction, which is the Central District of California. Therefore, this action will be transferred.

7 Accordingly, IT IS HEREBY ORDERED that this action is transferred to the United  
8 States District Court for the Central District of California.

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10 IT IS SO ORDERED.

11 Dated: October 15, 2018

12 /s/ *Evan P. Gruj*  
13 UNITED STATES MAGISTRATE JUDGE

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